

Notice of Allowability

Application No.

10/523,136

Examiner

Michael W. Talbot

Applicant(s)

RAAB, DIETER

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3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 30 April 2007.
2. ☒ The allowed claim(s) is/are 8-10 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

Claims 8-10 and 12 are allowed.

Claim 8 is the sole independent claim.

2. Regarding claim 8, the prior art of record fails to anticipate or make obvious a cutting-tool assembly comprising (1) a cartridge formed with "an inwardly open groove having a substantially cylindrical surface confronting and extending at a small acute angle to the seat floor" and (2) "an adjustable wedge axially shiftable in and shaped generally complementarily to the groove", solely or in combination, with a cutting-tool assembly having a rotatable tool holder formed with an outwardly open seat, a cartridge engaged in the seat and carrying a cutting insert, a radially extending bore opening into the seat, an adjustable wedge axially shiftable for radially shifting the cartridge in the groove, an eccentric pin seated and rotatable in the bore and engaging the formation of the adjustable wedge for axially shifting the adjustment wedge in the groove, a retaining element removably received in the cartridge and projecting radially into the bore outward of the formation of the pin, a retaining body, and a means for pressing the retaining body against the cartridge thereby locking the cartridge against displacement in the seat.

Lundgren '125 is the closest art of record.

Lundgren '125 shows in Figures 1-9 a cutting-tool assembly comprising a rotatable tool holder (31) formed with an outwardly open seat (longitudinal surface 39 and a transverse surface 40a) having an outwardly directed floor (39a), a cartridge (29,30) engaged in the seat carrying a cutting insert (32) and formed with an inwardly open groove (col. 3, lines 2-5) defining a groove axis and having a surface confronting and extending at a small acute angle to the seat

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floor (Figs. 2,3 and 9), and a radially extending bore (51) opening into the seat. Lundgren '125 shows an adjustment wedge (37,44) axially shiftable in the groove (Fig. 9) having a formation (shape of wedge,54) extending transversely on the axis and bearing radially outward on the groove surface and radially inward on the seat floor whereby axial shifting of the adjustment wedge radially shifts the cartridge in the groove (col. 3, line 2-11). Lundgren '125 shows an eccentric pin (50,52,53) seated and rotatable in the bore and engaging the formation of the adjustment wedge (Fig. 5) for axially shifting the adjustment wedge in the groove thereby radially displacing the cartridge in the seat, the bore having sufficient depth that the pin is wholly received on the bore (Fig. 5) and does not project into the groove, and a retaining element (52) removably received in the cartridge and projecting radially into the bore at a location impeding movement of the pin. Lundgren '125 shows the formation being a transverse groove (54) in the adjustment wedge (37) and the eccentric pin has a cylindrical end extension (53) engaged in the transverse groove. Lundgren '125 shows a retaining body (70) centered and moveable about an axis generally parallel to the groove axis for pressing against the cartridge and thereby locking the cartridge against displacement in the seat (Fig. 7).

Lundgren '125 lacks a cutting-tool assembly comprising (1) a cartridge formed with "an inwardly open groove having a substantially cylindrical surface confronting and extending at a small acute angle to the seat floor" and (2) "an adjustable wedge axially shiftable in and shaped generally complementarily to the groove",

Although it is well known to have a rotatable eccentric member for axially shifting a wedge seated within a cartridge for radially displacing the cartridge carrying a cutting insert, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Lundgren '125, noting that in Lundgren '125, the inwardly open groove surface of the cartridge is generally

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flat in shape (at 44 in Figs. 3 and 9) and the adjustment wedge (37,44) is also flat in shape, in lieu of the claimed "substantially cylindrical inwardly open groove and complementarily shaped adjustment wedge". Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT
Examiner
29 June 2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER